

Abstract (EN)

Primary focus of this thesis is the copyright protection of databases. This thesis introduce the copyright protection of databases as an essential element of two pillar system of European Union database protection law that is based on the directive no. 69/9/ES on the legal protection of databases.

First five chapters of this thesis are concerned with general questions related to the copyright protection of databases. Purpose of these chapters is to introduce roots of legal and other nature from which the copyright protection of databases arises. This part of the thesis thus defines the phenomenon of databases in relation to information society, available means of protection, the purpose of legal protection of databases, the legal framework and relevant legal traditions.

Subject of sixth chapter is the definition of database as a specific category of work and compares it with other kinds of works with the emphasis on common and distinctive characteristics. Seventh chapter focuses on elementary features of the copyright protection of databases, ie. structural protection, concept of originality and rights related to the creation and the use of databases. Eight chapter introduces the sui generis regime as a second pillar of database protection based on directive no. 69/9/ES. This chapter further concentrates on reasons of implementation of the sui generis regime, interprets basic features of the sui generis regime in the light of relevant case law and compares that regime with the copyright protection. Chapter concludes that effects of the sui generis regime in terms of goals and risks have been rather neutral and suggests to repeal the sui generis regime from EU law. This thesis does not consider the insufficient protection of unoriginal databases via means of the copyright and the sui generis regime as socially problematic whereas producers of databases may deploy other available instruments of protection, be those of legal or other nature.